

Introduced by Senator Alquist

February 24, 2009

An act to amend Section 60119 of the Education Code, relating to electronic instructional materials.

LEGISLATIVE COUNSEL'S DIGEST

SB 247, as introduced, Alquist. Electronic instructional materials.

Pursuant to existing law, the Pupil Textbook and Instructional Materials Incentive Program Act, county offices of education may be eligible to use specified funds, if it is determined that there are insufficient textbooks or instructional materials for pupils in each school in the district, to take any action to ensure that each pupil has sufficient textbooks or instructional materials, or both, within two months of the beginning of the school year in which the determination is made. For purposes of these provisions, existing law defines "sufficient textbooks or instructional materials" to mean that each pupil has a standards-aligned textbook or instructional materials, or both, to use in class and to take home.

This bill would provide that instructional materials may be provided to pupils in electronic form if sufficient textbooks or instructional materials have been made available to each pupil, as required.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 60119 of the Education Code is amended
2 to read:

60119. (a) In order to be eligible to receive funds available for the purposes of this article, the governing board of a school district shall take the following actions:

(1) (A) The governing board shall hold a public hearing or hearings at which the governing board shall encourage participation by parents, teachers, members of the community interested in the affairs of the school district, and bargaining unit leaders, and shall make a determination, through a resolution, as to whether each pupil in each school in the district has sufficient textbooks or instructional materials, or both, that are aligned to the content standards adopted pursuant to Section 60605 in each of the following subjects, as appropriate, that are consistent with the content and cycles of the curriculum framework adopted by the state board:

(i) Mathematics.

(ii) Science.

(iii) History-social science.

(iv) English/language arts, including the English language development component of an adopted program.

(B) The public hearing shall take place on or before the end of the eighth week from the first day pupils attend school for that year. A school district that operates schools on a multitrack, year-round calendar shall hold the hearing on or before the end of the eighth week from the first day pupils attend school for that year on any tracks that begin a school year in August or September. For purposes of the 2004–05 fiscal year only, the governing board of a school district shall make a diligent effort to hold a public hearing pursuant to this section on or before December 1, 2004.

(C) As part of the hearing required pursuant to this section, the governing board shall also make a written determination as to whether each pupil enrolled in a foreign language or health course has sufficient textbooks or instructional materials that are consistent with the content and cycles of the curriculum frameworks adopted by the state board for those subjects. The governing board shall also determine the availability of laboratory science equipment as applicable to science laboratory courses offered in grades 9 to 12, inclusive. The provision of the textbooks, instructional materials, or science equipment specified in this subparagraph is not a condition of receipt of funds provided by this subdivision.

1 (2) (A) If the governing board determines that there are
2 insufficient textbooks or instructional materials, or both, the
3 governing board shall provide information to classroom teachers
4 and to the public setting forth, in the resolution, for each school
5 in which an insufficiency exists, the percentage of pupils who lack
6 sufficient standards-aligned textbooks or instructional materials
7 in each subject area and the reasons that each pupil does not have
8 sufficient textbooks or instructional materials, or both, and take
9 any action, except an action that would require reimbursement by
10 the Commission on State Mandates, to ensure that each pupil has
11 sufficient textbooks or instructional materials, or both, within two
12 months of the beginning of the school year in which the
13 determination is made.

14 (B) In carrying out subparagraph (A), the governing board may
15 use money in any of the following funds:

16 (i) Any funds available for textbooks or instructional materials,
17 or both, from categorical programs, including any funds allocated
18 to school districts that have been appropriated in the annual Budget
19 Act.

20 (ii) Any funds of the school district that are in excess of the
21 amount available for each pupil during the prior fiscal year to
22 purchase textbooks or instructional materials, or both.

23 (iii) Any other funds available to the school district for textbooks
24 or instructional materials, or both.

25 (b) The governing board shall provide 10 days' notice of the
26 public hearing or hearings set forth in subdivision (a). The notice
27 shall contain the time, place, and purpose of the hearing and shall
28 be posted in three public places in the school district. The hearing
29 shall be held at a time that will encourage the attendance of teachers
30 and parents and guardians of pupils who attend the schools in the
31 district and shall not take place during or immediately following
32 school hours.

33 (c) (1) For purposes of this section, "sufficient textbooks or
34 instructional materials" means that each pupil, including English
35 learners, has a standards-aligned textbook or instructional materials,
36 or both, to use in class and to take home. This paragraph does not
37 require two sets of textbooks or instructional materials for each
38 pupil.

39 (2) Sufficient textbooks or instructional materials as defined in
40 paragraph (1), does not include photocopied sheets from only a

1 portion of a textbook or instructional materials copied to address
2 a shortage.

3 *(3) Instructional materials may be provided to pupils in*
4 *electronic form, including, but not limited to, compact disks, if*
5 *sufficient textbooks or instructional materials, as defined in*
6 *paragraph (1), have been made available to each pupil, as*
7 *required.*

8 (d) Except for purposes of Section 60252, governing boards of
9 school districts that receive funds for instructional materials from
10 any state source, are subject to the requirements of this section
11 only in a fiscal year in which the Superintendent determines that
12 the base revenue limit for each school district will increase by at
13 least 1 percent per unit of average daily attendance from the prior
14 fiscal year.